

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SEAN OWENS,

Plaintiff,

v.

TRANSUNION, LLC, *et al.*,

Defendant.

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Civil Action No. 4:20-cv-665-SDJ-KPJ

**MEMORANDUM ADOPTING IN PART AND MODIFYING IN PART THE
REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 30, 2021, the Magistrate Judge entered her proposed finding of fact and recommendations on Defendants Equifax Information Services, LLC, Experian Information Solutions, Inc., and TransUnion, LLC's (collectively the "Credit Bureaus") Joint Motion for Judgment on the Pleadings, (Dkt. #40), which recommended such motion should be granted in part and denied in part, (Dkt. #77), (the "Report").

Having received the Report of the United States Magistrate Judge, and no timely objections being filed,¹ the Court is of the opinion that the Magistrate Judge's Report should be **ADOPTED in part** and **MODIFIED in part**.

¹ The deadline to file objections to the Report was September 13, 2021. On September 16, 2021, Plaintiff filed his objection (Dkt. #79). Because Plaintiff failed to timely file his objection, the Court did not consider it. *See* 28 U.S.C. § 636; *Martin v. City of Temple*, No. 6:17-CV-211-RP, 2018 WL 3340579, at *1 (W.D. Tex. July 6, 2018) (declining to consider

Specifically, the Report is adopted except to the extent it recommends the Court deny judgment on the pleadings with respect to Plaintiff Sean Owens's FCRA claims asserted under 15 U.S.C. §§ 1681c(a)(4), 1681c(a)(5), 1681e(b), and 1681i(a)(1)(A), insofar as these claims relate to Owens's November 25, 2019 and December 1, 2019 disputes.² The Court concludes judgment on the pleadings should be granted as to these claims but denied as to the Credit Bureaus' request that Owens's claims be dismissed with prejudice.

It is, therefore, **ORDERED** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #77), should be and is hereby **ADOPTED in part** and **MODIFIED in part**. The Court adopts the following findings and conclusions:

- The Court adopts the magistrate's conclusion that judgment on the pleadings should be granted as to Owens's claims against the Credit Bureaus asserted under 15 U.S.C. §§ 1681s-2(a)(1), 1681s-2(a)(2), 1681s-2(b), and 18 U.S.C. §§ 1038 and 1041.
- The Court adopts the magistrate's conclusion that judgment on the pleadings should be granted as to Owens's claims against the Credit Bureaus asserted

pro se plaintiff's untimely objections when "Plaintiff was informed of the deadline to file his objections[,] but nevertheless failed to meet it.").

² The body of the Report confirms that judgment on the pleadings should be denied as to Owens's FCRA claims asserted under 15 U.S.C. §§ 1681c(a)(4), 1681c(a)(5), 1681e(b), and 1681i(a)(1)(A) that relate to Owens's November 20, 2019 credit report, but the end of the Report recommends granting Owens leave to file a Third Amended Complaint with respect to these claims. The Court will treat the Report as simply recommending the denial of judgment on the pleadings as to these claims concerning the November 20, 2019 credit report, and the Court adopts this recommendation.

under 15 U.S.C. §§ 1681c(a)(4), 1681c(a)(5), 1681e(b), and 1681i(a)(1)(A), insofar as these claims relate to Owens's September 24, 2017 credit reports and October 5, 2017 dispute.

The Court modifies the following findings and conclusions:


- The Court concludes that judgment on the pleadings should be granted as to Owens's claims against the Credit Bureaus asserted under 15 U.S.C. §§ 1681c(a)(4), 1681c(a)(5), 1681e(b), and 1681i(a)(1)(A), insofar as these claims relate to Owens's November 25, 2019 dispute and Owens's December 1, 2019 dispute, but denied as to the Credit Bureau's request that the claims be dismissed with prejudice.

It is, therefore, **ORDERED** that Defendants Equifax Information Services, LLC, Experian Information Solutions, Inc., and TransUnion, LLC's Joint Motion for Judgment on the Pleadings, (Dkt. #40), is **GRANTED in part** and **DENIED in part**, and that Owens's claims against the Credit Bureaus asserted under 15 U.S.C. §§ 1681s-2(a)(1), 1681s-2(a)(2), 1681s-2(b), 18 U.S.C. §§ 1038 and 1041, and 15 U.S.C. §§ 1681c(a)(4), 1681c(a)(5), 1681e(b), and 1681i(a)(1)(A), insofar as these claims relate to Owens's September 24, 2017 credit reports and October 5, 2017 dispute, are hereby **DISMISSED with prejudice**. Owens's claims asserted under 15 U.S.C. §§ 1681c(a)(4), 1681c(a)(5), 1681e(b), and 1681i(a)(1)(A), insofar as these claims relate

to Owens's November 25, 2019 and December 1, 2019 disputes, are hereby **DISMISSED without prejudice.**

It is further **ORDERED** that Owens has **fourteen days** from the date of this order to amend his complaint as to the claims made under 15 U.S.C. §§ 1681c(a)(4), 1681c(a)(5), 1681e(b), and 1681i(a)(1)(A) relating to his November 25, 2019 and December 1, 2019 disputes.

So ORDERED and SIGNED this 29th day of September, 2021.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE